



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Consider Resolution Confirming the 2001 Annual Report and Levying Assessment for the Downtown Lodi Business Improvement Area No. 1

MEETING DATE: November 15, 2000

SUBMITTED BY: Economic Development Coordinator

RECOMMENDED ACTION: That the City Council at the close of the hearing, there being no majority protest, either written or oral presented to the Council, adopt the Resolution confirming the Business Improvement Area 2001 Annual Report thereby levying the assessment proposed for the period of calendar year 2001.

BACKGROUND INFORMATION: At the Council meeting of October 18, 2000, the Business Improvement Area 2001 Annual Report was presented to the Council. The Council accepted the report and established November 15, 2000 as the time and date for the public hearing to be held on the proposed levy for the Business Improvement Area purposes. That hearing is called for and set pursuant to Section 36535 of the California Streets and Highways Code. At the hearing, the public has an opportunity to present written or oral protests to the proposed assessment. In order for such a protest to be successful, the protest must comply with the provisions of Sections 36524 and 35535 of the California Streets and Highways Code. For an Assessment protest to be successful, written protests must be received from the owners of businesses in the improvement area, and must represent fifty percent (50%) or more of those member businesses paying the assessments proposed to be levied. If such a level of protest is not reached, a Resolution should be adopted by the Council confirming the report as originally filed, or as changed by it. The adoption of such a resolution constitutes the levy of the assessment for the BIA for calendar year 2001.

FUNDING: None required

Respectfully submitted,

Tony C. Goehring
Economic Development Coordinator

APPROVED: _____

H. Dixon Flynn -- City Manager

RESOLUTION NO. 2000-202

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LODI CONFIRMING THE 2001 ANNUAL REPORT FOR THE
DOWNTOWN LODI BUSINESS IMPROVEMENT AREA NO. 1
AND LEVY OF ASSESSMENT

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WHEREAS, Downtown Lodi Business Improvement Area No. 1 was established December 17, 1997 by Council adoption of Ordinance No. 1654; and

WHEREAS, the Annual Report as required by Streets and Highways Code §36533 has been submitted to the City Council by the Board of Directors of said Improvement Area; and

WHEREAS, a public hearing was held as required by Streets and Highways Code §365324 on November 15, 2000 in the City Council Chambers at Carnegie Forum, 305 West Pine Street, Lodi, California at 7:00 p.m. or as soon thereafter as possible to consider protests to the assessment levy.

NOW, THEREFORE, the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

- 1) The required public hearing was duly held at which time the public was allowed to present written or oral protests to the levy of assessment for Downtown Lodi Business Improvement Area No. 1.
- 2) A majority protest as defined in the Streets & Highways Code §36525 was not made.
- 3) The 2001 Annual Report as submitted on October 18, 2000 by the Board of Directors of the Improvement Area to the City Council is hereby confirmed as originally filed.
- 4) The confirmation of the report and adoption of this Resolution constitutes the levy of the assessment as contained in the Annual Report for the calendar year 2001.

Dated: November 15, 2000

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I hereby certify that Resolution No. 2000-202 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 15, 2000, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Land, Nakanishi, Pennino and Mayor Mann

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: Wednesday, November 15, 2000

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, November 15, 2000** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Confirming Annual Report and Consideration of the Downtown Lodi Business Partnership's (DLBP) Intent to Levy Annual Assessment for Downtown Lodi Business Improvement Area No. 1.

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

A handwritten signature in cursive script that reads "Susan J. Blackston".

Susan J. Blackston
City Clerk

Dated: October 18, 2000

Approved as to form:

A handwritten signature in cursive script that reads "Randall A. Hays".

Randall A. Hays
City Attorney